

6, 1944, by the Walgreen Drug Stores, from Chicago, Ill. The article was labeled in part: "Derbies Manufactured for Jay Dee Drug Co., Chicago, Ill. By the Killian Manufacturing Co., Akron, Ohio."

Examination of samples disclosed that the article was defective in that it contained holes.

It was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess. It was alleged to be misbranded in that the label statement, "for the prevention of Disease," was false and misleading as applied to an article containing holes.

On March 31, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1531. Adulteration and misbranding of prophylactics. U. S. v. 44 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 14927. Sample No. 62324-F.)**

On December 30, 1944, the United States attorney for the Northern District of Alabama filed a libel against 44 gross of prophylactics at Birmingham, Ala., alleging that the article had been shipped on or about October 30, 1944, from New York, N. Y., by the World Merchandise Exchange. The article was labeled in part: "Silver-Tex Prophylactics \* \* \* Manufactured by The Killian Mfg. Company Akron, Ohio."

Examination of samples showed that the article was defective in that it contained holes.

It was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess. It was alleged to be misbranded in that the label statement, "Prophylactics," was false and misleading as applied to an article containing holes.

On January 30, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1532. Adulteration and misbranding of prophylactics. U. S. v. 47½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 15132. Sample No. 5629-H.)**

On or about January 31, 1945, the United States attorney for the District of Connecticut filed a libel against 47½ gross of prophylactics at New Haven, Conn., alleging that the article had been shipped on or about January 10, 1945, from New York, N. Y., by the Goodwear Rubber Co. The article was labeled in part: "Xcello's Prophylactics."

Examination of samples disclosed that the article was defective in that it contained holes.

It was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess. It was alleged to be misbranded in that the label statement, "Prophylactics," was false and misleading as applied to an article containing holes.

On March 13, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**DRUGS FOR HUMAN USE**

**1533. Misbranding of Pierre Cartier's Medicine. U. S. v. 199 Bottles of Pierre Cartier's Medicine. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15286. Sample No. 11421-H.)**

On February 20, 1945, the United States attorney for the District of Rhode Island filed a libel against 199 bottles of Pierre Cartier's Medicine at Providence, R. I., alleging that the article had been shipped on or about January 9 and 31, 1945, from Palmer, Mass., by the Bay State Drug Co.

Examination showed that the article consisted essentially of a mixture of equal volumes of cod liver oil, rum, and honey.

It was alleged to be misbranded in that certain statements on its label and in a circular entitled "Pierre Cartier's Medicine," which was enclosed in the retail carton with the bottle, were false and misleading since they represented and suggested that the article would be effective in the treatment and prevention of colds and diseases resulting from exposure and low resistance; that it would be effective as a tonic and in the treatment of debilities resulting from colds, grippe, pneumonia, catarrhal and bronchial troubles, and anemia; and that

\*See also Nos. 1502, 1503, 1505, 1508, 1509, 1514, 1517, 1521, 1522, 1525, 1528-1532.

use of the product would be effective in restoring good health. The article would not be effective for such purposes.

On April 13, 1945, the Bay State Drug Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**1534. Misbranding of V. M. Tablets. U. S. v. 107 Bottles of V. M. Tablets and 3,900 Circulars. Default decree of condemnation and destruction. (F. D. C. No. 15127. Sample Nos. 4201-H, 4202-H.)**

On January 30, 1945, the United States attorney for the Eastern District of Pennsylvania filed a libel against 107 bottles of V. M. Tablets and 3,900 circulars at Philadelphia, Pa., alleging that the tablets had been shipped on or about December 6 and 29, 1944, by V. M. Products, from Chicago, Ill., and that the circulars accompanied the article when introduced into and while it was in interstate commerce.

The article was labeled in part: "V. M. A Vegetable Mucinoid Also known as Vegemucene Okra Concentrated by dehydration." The circulars were entitled "Stomach Sufferers."

Examination of samples of the article showed that it consisted essentially of mucllaginous plant material, such as ckra.

It was alleged to be misbranded in that certain statements in the circulars were false and misleading since they represented and suggested that the article was effective in the treatment of gastric or peptic ulcers, duodenal ulcers, colitis, gastric hemorrhage, recurring pains, pain in the epigastrium, vomiting, loss of weight, gastritis, and cramp-like pains; that it was effective to protect the linings of the stomach and intestines from the irritant action of excess acids and food roughage; and that it would cause the user to gain weight. The article would not be effective for such purposes.

On February 20, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1535. Misbranding of Parry's Compound. U. S. v. 16 1/2 Dozen Bottles of Parry's Compound. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15295. Sample No. 10004-H.)**

On February 20, 1945, the United States attorney for the Western District of Pennsylvania filed a libel against 16 1/2 dozen bottles of Parry's Compound and 100 circulars at Pittsburgh, Pa., alleging that the circulars and the drug had been shipped by the Parry Vegetable Compound Co., Inc., from Mansfield, Ohio, on or about November 1, 1944, and January 3, 1945, respectively. The circulars were entitled "Parry's Compound 'Dad' Parry's Famous Medicine 35 Years in Service."

Examination of a sample disclosed that the article consisted essentially of olive oil, water, and alcohol, colored with FD&C Red No. 2.

It was alleged to be misbranded because of false and misleading statements in the circulars which represented and suggested that the article would be effective in restoring health and in the treatment of gallstones, gallstone colic, stomach trouble, intestinal disorders, and ulcers. The article would not be effective for those purposes.

On March 20, 1945, the Parry Vegetable Compound Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**1536. Misbranding of Vitalex Perdiz Tonic. U. S. v. 105 Bottles of Vitalex Perdiz Tonic. Default decree of condemnation and destruction. (F. D. C. No. 15376. Sample No. 96819-F.)**

On February 13, 1945, the United States attorney for the Western District of Texas filed a libel against 105 bottles of Vitalex Perdiz Tonic at San Antonio, Tex., alleging that the article, which had been consigned by the Vitalex Laboratories, had been shipped on or about September 27, 1944, from Buffalo, N. Y.

Analysis showed that the article was a pink, sugar- and calcium carbonate-coated tablet containing nux vomica and zinc phosphide, with compounds of sodium, calcium, and iron, including phosphates. Each tablet contained iron compounds equivalent to not more than 7.1 milligrams of iron.

The article was alleged to be misbranded in that the label statements in the English and Spanish languages, "nutritional anemia, and in convalescence from